

Application No.: 09/739,143  
Amendment Dated: May 10, 2005  
Reply to Final Office Action of: March 1, 2005

MAT-8070US

**Remarks/Arguments:**

The Amendment filed on October 12, 2004, has been objected to as introducing new matter. In addition, claim 25 has been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The objection to the amendment and the rejection of claim 25 is respectfully traversed for the reasons set forth below.

The Official Action takes the position that "bit map of the document" is not supported by the originally filed specification. Title 35 of the United States Code, however, does not require that the exact words "bit map" appear in the specification. The only legal requirement is that "one of ordinary skill in the art" would understand that this concept is "taught" by the specification. The Examiner is respectfully requested to conduct a dictionary search of the phrase "bit map" through an Internet search engine. The results of several such attempts by Applicants' representative are enclosed with this response. As the exemplary definitions show, a bit map is a representation of dots of a graphics image in computer memory. On page 9 of Applicants' specification at lines 9 and 10, Applicants' document-image data is described as being represented by multi-bit colors. One of ordinary skill in the art understands that this is typically done by a bit map representation. If the Examiner believes that a representation of data by multi-bit colors is not typically accomplished by a bit map, the Examiner is respectfully requested to so state this position on the record.

In view of the arguments set forth above, the objection to Applicants' specification and the rejection of Applicants' claim 25 is respectfully requested to be withdrawn.

Claims 1-4, 9-12 and 17-20 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over LI (U.S. Patent No. 6,345,279). This rejection is respectfully traversed for the reasons set forth below.

Applicants' invention as recited by claim 1, includes a feature which is neither disclosed nor suggested by the art of record, namely:

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... processing portions of the document-image data to control an amount of the document-image data ...

... renewing the structured image data by replacing the positioning data ... before the processing with positioning data after the processing ...

To support the rejection, the Official Action recites Figure 3 of Li. In particular, the Official Action states:

However, Li discloses in Figure 3, the maintained position of structured image data items through the method processing, ...

The basis of the rejection is respectfully traversed.

Looking at the position of the blocks within Items 100, 340 and 370, the position of the blocks is different. In Item 340, for example, the internal items are not in a straight line. Contrast this with Items 100 and 370 where the two left most blocks are left justified. Furthermore, Item 370 is shorter than Item 100. Also, the distance between the right most block and the left most blocks in Item 100 and Item 370 is different.

Section 2125 of the MPEP states that it is not proper to use drawings to make arguments based on measurements:

When the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. See *Hockerson-Halberstadt, Inc. v. Avia Group Int'l*, 222 F.3d 951, 956, 55 USPQ 2d 1487, 1491 (Fed. Cir. 2000).

In *Hockerson*, the Court stated:

The '792 patent is devoid of any indication that the proportions of the groove and fins are drawn to scale ... Under our precedent, ... It is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue. See *In re Wright*, 569 F.2d 1124, 1127, 193 USPQ 332, 335 (CCPA 1977) ("Absent any written description in the specification of quantitative values, arguments based on measurement of a

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drawing are of little value.") 222 F.3d at 956, 55 USPQ 2d at 1491.

MPEP 2125 also discusses *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977) regarding the use of drawings. The MPEP points out that the Solicitor had made an argument based on the Solicitor's comparison of the relative dimensions of the drawing figures in the appellant's application with the dimension in the drawing figures in the Bauer prior art device. The Solicitor had argued that the comparison revealed that Bauer use a chime length of roughly 1/2 to 1 inch for a whiskey barrel. The Court disagreed with the Solicitor's comparison because the Solicitor "ignore[d] the fact that Bauer does not disclose that his drawings are drawn to scale." 569 F.2d at 1127, 193 USPQ at 335. However, the MPEP points out, the Court agreed with the Solicitor's argument that the Bauer reference generally taught that "whiskey losses are influenced by the distance the liquor needs to traverse the pores of the wood." 569 F.2d at 1127, 193 USPQ at 335.

In both of the cases cited in the MPEP, the prior art references did not disclose that its drawings were drawn to scale. Consequently, the Court refused to accord any weight to arguments based on dimensions purportedly discerned from the drawings.

Accordingly, claim 1 is patentable over the art of record.

Claims 9 and 17, while not identical to claim 1, are also patentable over Li for reasons similar to those set forth above with regard to claim 1.

Claims 2-4, 10-12 and 18-20 are patentable by virtue of their dependency on allowable independent claims.

Claims 5-8, 13-16 and 21-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Li in view of Fields (U.S. Patent No. 6,606,120). The rejection is respectfully traversed.

Regarding claims 5, 13 and 21, these claims, while not identical to claim 1, also recite the feature of replacing positioning data. Thus, these claims are patentable for reasons similar to those set forth above with regard to claim 1. Regarding claim 7, the

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Official Action acknowledges that the primary reference, LI, fails to disclose the use of a first and second input. Thus, Fields was combined with LI because Fields discloses multiple inputs. The motivation given to combine LI with Fields is that Fields discloses the benefit of "automatically update material on the hosting web site as it is changes on the content provider web sites." The ability to update material, often referred to in the art as the use of a proxy server, has nothing to do with Applicants' claimed features of first structured image data and second structured image data. Thus, the motivation is improper to combine the references. Furthermore, Fields is lacking of Applicants' claimed first structured image data and second structured image data. The Official Action refers to Fig. 8 of Fields. Fig. 8 of Fields, however, only discloses multiple copies of the same image data. Thus, not only is there no motivation to combine the references to obtain Applicants' claimed invention, but even by combining the references, Applicants' claimed invention does not result. Accordingly, claim 7 is patentable over the art of record.

Claims 8, 15, 16, 23 and 24, while not identical to claim 7, are also patentable over the art of record for reasons similar to those set forth above with regard to claim 7.

Regarding claim 25, the claim relates to tree-structured data. Specifically, claim 25 recites the steps of:

... dividing the bit map of the document into plural regions based on the tree-structured data;  
replacing a portion of the tree-structured data to replace one or more of the plural regions of the bit map of the document ...

To reject claim 25, the Official Action combines LI and Fields. The motivation given to modify LI to include Fields' tree-structure data is:

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In order to provide the benefit of 'automatically update material on the hosting web site as it is changes on the content provider web sites'.

Applicants do not understand how the disclosure of automatic update provides a motivation to modify the primary reference to include tree-structured data. The ability to automatically update material is, in a general sense, a desirable attribute of any computer system. Automatically updating data neither explicitly discloses nor implies that this is to be done in a tree-structured manner. Accordingly, the motivation to combine the references through Applicants' claim 25 is erroneous. Withdrawal of the rejection is respectfully requested.

The remaining claims are patentable by virtue of their dependency on allowable independent claims.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

  
Lawrence E. Ashery, Reg. No. 34,515  
Attorney for Applicants

LEA/fp

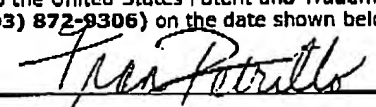
Attachment: Definitions (2 pp.)

Dated: May 10, 2005

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Google Search: define:Bit Map

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## Web

### Definitions of Bit Map on the Web:

- A representation, consisting of rows and columns of dots, of a graphics image in computer memory. The value of each dot (whether it is filled in or not) is stored in one or more bits of data. For simple monochrome images, one bit is sufficient to represent each dot, but for colors and shades of gray, each dot requires more than one bit of data. The more bits used to represent a dot, the more colors and shades of gray that can be represented. bit-mapped graphics become ragged when you shrink or enlarge them.  
[www.csc.calpoly.edu/~ebrunner/VocabGraphics.htm](http://www.csc.calpoly.edu/~ebrunner/VocabGraphics.htm)
- Method of graphic display using rows and columns of dots, or pixels. Each pixel location corresponds to a location in memory.  
[www.pricedrightllc.com/id18.html](http://www.pricedrightllc.com/id18.html)
- Representation of characters or graphics by individual pixels, or points of light, dark or color, arranged in row (horizontal) and column (vertical) order. Each pixel is represented by either one bit (simple black & white) or up to 32 bits (fancy high definition color).  
[www.rockprint.com/dictionary.shtml](http://www.rockprint.com/dictionary.shtml)
- The total of all bit planes used to represent a graphic. Its size is measured in horizontal, vertical and depth of bits. In a one-bit (monochrome) system there is only one bit plane. As additional planes are added color can be described. Two bit planes yield four possible values per imageset; eight yield 256, and so on.  
[www.infocus.com/service/tech\\_library/techdocs/glossary.asp](http://www.infocus.com/service/tech_library/techdocs/glossary.asp)
- An array of pixels making up an image for screen display or device output. Also referred to as a 'paint-type' graphic.  
[www.elepub.com/sw/3\\_010.html](http://www.elepub.com/sw/3_010.html)
- A group of bits (binary digits) stored in an organised pattern in a computer's memory, which represents an image (a photo or graphic). Each 0 or 1 bit corresponds exactly to each gap (no-dot) or dot in the image.  
[www.techwriter.co.nz/nerd-ad.html](http://www.techwriter.co.nz/nerd-ad.html)
- A set of values that specify colors or gray levels in an image.  
[www.visionneeds.com/glossary.htm](http://www.visionneeds.com/glossary.htm)
- A specialized form of an index indicating the existence or nonexistence of a condition for a group of blocks or records.

<http://www.annale.com/search?hl=en&lr=&oi=define&o=define:Bit+Map>

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[www.vertaasis.com/glossary.php](http://www.vertaasis.com/glossary.php)

- A file format used to transfer graphic images within compatible applications. A BMP file is a neutral format designed for compatibility with all applications Go to top of page [www.alco.org/help/help090.html](http://www.alco.org/help/help090.html)
- a dot-by-dot description of an electronic image. [www.leprint.com/glossaries.html](http://www.leprint.com/glossaries.html)
- In computer imaging, the electronic representation of a page, indicating the position of every possible spot (zero or one). [www.priorityprinting.ab.ca/gloss.html](http://www.priorityprinting.ab.ca/gloss.html)
- A record of every pixel on a computer screen, contained in the frame buffer of a raster graphics display system. A graphic image kept in a bitmap format of pixels can be displayed on a screen or printed by modern printers. [www.wiley.com/college/busin/ficmis/oakman/outline/glossary/alpha/glos\\_b.htm](http://www.wiley.com/college/busin/ficmis/oakman/outline/glossary/alpha/glos_b.htm)
- A graphic made up of individual dots or pixels, much like a needlepoint picture is constructed of individual square stitches. See raster. [home.earthlink.net/~intelligentlife/ItemMenu/glossary.html](http://home.earthlink.net/~intelligentlife/ItemMenu/glossary.html)

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